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5 *Attorney for Plaintiffs*

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 MAX RUHLMANN and ERIC SAMBOLD,  
9 Plaintiffs,

10 v.

11 GLENN RUDOLFSKY, individually and DBA  
12 HOUSE OF DREAMS KAUAI and HOUSE OF  
13 DREAMS HAWAII; KIM D. RUDOLFSKY,  
14 AKA KIMI DAPOLITO, individually; and DBA  
HOUSE OF DREAMS KAUAI and HOUSE OF  
15 DREAMS HAWAII  
16 Defendants.

CASE NO.: 2:14-cv-00879-RFB-NJK

**DECLARATION OF  
ELIZABETH J. FOLEY**

- 17 1. Declarant is the counsel for the Plaintiffs Max Ruhlmann and Eric Sambold.  
18  
19 2. On July 5, 2016, Defendants third counsel, Valerie Del Grosso, telephoned me for a  
20 Discovery Conference.  
21  
22 3. I had served Requests for Production of Documents and Interrogatories on the Rudolfskys  
23 counsel on June 6, 2016.  
24  
25 4. The Defendants' counsel informed me during the Discovery Conference that she would  
26 be filing a Motion for Protective Order without first responding to the written discovery.  
27  
28 5. I informed counsel Del Grosso that my understanding of the local and Federal Rules of  
Procedure was that she needed to separately state her objections to the individual Interrogatories and  
Request for Production of Documents, and then we needed to discuss those objections individually  
in a discovery conference.

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6. I do not believe that we had a meaningful Discovery Conference as contemplated by the local Rules and the unpublished opinion FDIC v. 26 Flamingo, LLC. (Case No. 2:11-cf-01936-JCM-NJK, June 10, 2013) on July 5, 2016.

7. I advised counsel Del Grosso that I was confident we could have a meaningful Discovery Conference after she responded to the Discovery and stated her objections individually to the Requests and Interrogatories.

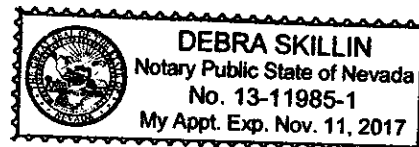
8. A few days later, I received her Motions for Protective Order and for a Stay.

9. I declare under penalty of perjury that the foregoing statements contained in this Declaration are true and correct.

  
ELIZABETH J. FOLEY

Subscribed and sworn to me on this  
25<sup>th</sup> day of July, 2016.

  
NOTARY PUBLIC



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